

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

BOARD OF TRUSTEES,

No. C-13-02651 DMR

Plaintiff(s),

**ORDER DENYING MOTION TO
DISMISS AS MOOT**

v.


GALEDRIGE CONSTRUCTION INC,

Defendant(s).

Plaintiffs have filed a motion to dismiss Defendant Alfred Norman Galeridge without prejudice. [Docket No. 23.] Federal Rule of Civil Procedure 41(a)(1) “allows a plaintiff to dismiss without a court order any defendant who has yet to serve an answer or a motion for summary judgment.” *Pedrina v. Chun*, 987 F.2d 608, 609 (9th Cir. 1993). Defendant Alfred Norman Galeridge has not answered, filed a motion for summary judgment, or otherwise appeared in this action. Accordingly, a court order is not required for dismissal of Defendant Alfred Norman Galeridge without prejudice. Plaintiffs’ motion to dismiss is denied as moot.

IT IS SO ORDERED.

Dated: December 17, 2013



DONNA M. RYU
United States Magistrate Judge